

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Monique West	Team: Team # 5	CCRB Case #: 201212970	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 10/04/2012 11:00 AM	Location of Incident: Rosedale Avenue and Sound View Avenue	Precinct: 43	18 Mo. SOL 4/4/2014	EO SOL 4/4/2014	
Date/Time CV Reported Fri, 10/05/2012 2:52 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 10/05/2012 2:53 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Aida Dolan	22442	945672	043 PCT
2. POM Thomas Perez	29432	946109	043 PCT
3. POF Boryonah Adams	00074	932238	043 PCT
4. POM Richard Joseph	27450	948229	043 PCT
5. SGT Mario Moreno	05166	936054	043 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Boryonah Adams	Abuse: PO Boryonah Adams stopped § 87(2)(b) and § 87(2)(b)	
B.POF Aida Dolan	Abuse: PO Aida Dolan stopped § 87(2)(b) and § 87(2)(b)	
C.POF Aida Dolan	Force: PO Aida Dolan used physical force against § 87(2)(b)	
D.POF Aida Dolan	Discourtesy: PO Aida Dolan spoke rudely to § 87(2)(b)	
E.SGT Mario Moreno	Abuse: Sgt. Mario Moreno threatened § 87(2)(b) with the use of force.	
F.POM Thomas Perez	Abuse: PO Thomas Perez seized § 87(2)(b) property.	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

Case Summary

On October 5, 2012, § 87(2)(b) filed this complaint with the Civilian Complaint Review Board (CCRB) via the on-line website (encl. D1-5).

On October 4, 2012, at approximately 11:00 a.m., § 87(2)(b) was on Rosedale Avenue and Soundview Avenue in the Bronx, when he encountered Officer Aida Dolan, Officer Boryonah Adams, Officer Richard Joseph, and Sgt. Mario Moreno of the 43rd Precinct. Later that day, he encountered Officer Thomas Perez at the 43rd Precinct stationhouse. The following allegations resulted:

- [illegible]

Results of Investigation

Civilians' Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a black male who stands 6'3" tall and weighs 220 pounds. He has black hair and black eyes. At the time of the incident, he was § 87(2)(b) old and § 87(2)(b)

CCRB Interview

On October 5, 2012, § 87(2)(b) provided a statement to the CCRB via the online complaint form (encl. D1-5). On October 10, 2012, § 87(2)(b) provided a phone statement to the CCRB (encl. D9-10). On October 11, 2012, § 87(2)(b) was interviewed at the CCRB (encl. D12-14). § 87(2)(g)

On October 4, 2012, at approximately 11:00 a.m., § 87(2)(b) and his girlfriend, § 87(2)(b) were walking near Rosedale Avenue and Soundview Avenue, on their way to a game store. § 87(2)(b) saw two police officers: Officer Dolan, who he identified by name and described as a white female, 5'6"-5'7" tall, 28-30 years old with a medium build and dark brown hair, and Officer Boryonah Adams, identified through the investigation and described by § 87(2)(b) as a black female, 5'6"-5'7" tall, 26-27 years old, with a slim build and short black hair. Officer Dolan and Officer Adams were sitting in a marked police car. Officer Dolan said, "Let's stop these guys." Officer Adams told § 87(2)(b) to come here and asked him for his name and his age. § 87(2)(b) asked her why she wanted to know that information. Officer Adams told him that if he was 18 years old or younger, he was supposed to be in school. § 87(2)(b) gave her his first and last name and stated that he was § 87(2)(b) old and continued to walk.

The officers did not say anything to § 87(2)(b). Officer Adams told § 87(2)(b) that she wanted to see their identification. § 87(2)(b) gave Officer Adams her identification but § 87(2)(b) had already walked down the block. Officer Adams told § 87(2)(b) to tell § 87(2)(b) that she wanted to see his identification too. § 87(2)(b) heard Officer Dolan say, "Is this your boyfriend? You need to tell him that he's about to get locked up."

The officers were slowly driving behind § 87(2)(b). § 87(2)(b) stopped at the corner of Rosedale Avenue and Soundview Avenue, in front of Kennedy's Fried Chicken. Officer Adams got out of the car and said, "This is only going to work two ways. You're going to give me your ID or you're going to run." § 87(2)(b) told her that he would give her his identification. § 87(2)(b) reached into his bag to pull out his identification and attempted to call his mother, at the same time. Officer Dolan parked the car, approached § 87(2)(b) and threw his bag into the street. Officer Dolan grabbed the sleeve of his left arm and the back of the collar of his shirt and pushed him towards the wall while hitting his hand, trying to knock the phone out of his right hand. Officer Dolan was not making any commands. § 87(2)(b) took his phone and put it in his pocket. Officer Dolan pushed § 87(2)(b) against the wall of Kennedy's Fried Chicken. § 87(2)(b) assumed that she was trying to arrest him and did not resist. Officer Dolan said, "I'm tired of this shit. You guys think you can do whatever you want." Officer Dolan continued using profanity while trying to handcuff § 87(2)(b). Officer Adams stood to the side.

When a second marked car arrived, Officer Adams approached § 87(2)(b) and placed a handcuff on his left hand. § 87(2)(b) had his hands side by side. Sgt. Mario Moreno, identified through the investigation and described as a white male, 5'8"-5'9" tall, over 35 years old with a heavy build and gray hair, walked around to § 87(2)(b) left side with a taser in his hand and put it to § 87(2)(b) chest. § 87(2)(b) asked Sgt. Moreno if he was going to taze him and told him that it was not necessary. Officer Richard Joseph, identified through the investigation and described as a tan-skinned male, 5'9"-6'0" tall, in his mid-late 20s, with a slim build and black hair, walked around to § 87(2)(b) right side and placed his foot on the inside of § 87(2)(b) right foot, holding § 87(2)(b) shoulder.

Officer Dolan was still holding § 87(2)(b) flat against the wall. Sgt. Moreno and Officer Joseph helped to keep § 87(2)(b) against the wall although he was not moving. § 87(2)(b) still had his hands side by side. Officer Dolan folded § 87(2)(b) right arm back and pulled it up away from the handcuffs. § 87(2)(b) asked her what she was doing and stated that Officer Adams was trying to handcuff him. § 87(2)(b) pulled his hand back down towards the handcuffs and was handcuffed immediately by Officer Adams. § 87(2)(b) never resisted getting handcuffed. No one had to pull his hands behind his back to be handcuffed. He willingly placed his hands behind his back.

Officer Dolan walked § 87(2)(b) to their car. § 87(2)(b) asked her if she was going to get his bag from the street. Officer Dolan responded, "I don't give a shit about your bag." § 87(2)(b) did not allege this in his phone statement. Officer Adams retrieved his bag. In the patrol car, Officer Dolan said that she was "tired all of these fucking kids over here thinking they can do whatever they want." She also stated, "You kids think you run the streets and can do whatever the fuck you want."

Officer Dolan noticed that she had a cut on her left middle or index finger and told § 87(2)(b) that he cut her finger. § 87(2)(b) stated that she must have gotten the cut from when she pushed him against the wall or from trying to handcuff him although she was not the one who handcuffed him. The bottom part of the wall of the Kennedy's Friend Chicken restaurant has grated metal ridges that she may have cut her finger on.

At the stationhouse, an officer § 87(2)(b) identified as Officer Perez, took over processing § 87(2)(b) arrest for Officer Dolan. § 87(2)(b) told him that there was a knife in his backpack. He also had a sweater in there. At an unspecified time, § 87(2)(b) mother came to pick up his belongings. His knife and his sweater were not in his backpack and they were not vouchered.

Victim: § 87(2)(b)

- § 87(2)(b) *is a black female who stands 5'8" tall and weighs 125 pounds. At the time of the incident, § 87(2)(b) was § 87(2)(b) old and § 87(2)(b) § 87(2)(b) is § 87(2)(b) girlfriend.*

CCRB Statement

On October 10, 2012, § 87(2)(b) provided a phone statement to the CCRB (encl. D8). On October 11, 2012, § 87(2)(b) was interviewed at the CCRB (encl. D18-19). § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) were walking near Rosedale Avenue and Soundview Avenue heading to Game Stop, when a marked police car approached them. Officer Boryonah Adams, identified through the investigation and described as a black female, 5'7" tall, in her late 20s, with a thin build, asked § 87(2)(b) for his name and age. § 87(2)(b) provided this information and then walked away. Officer Adams stepped out of the car and asked § 87(2)(b) for her identification. § 87(2)(b) provided it. Officer Adams asked § 87(2)(b) if § 87(2)(b) was

her boyfriend. § 87(2)(b) responded that he was. Officer Adams stated that he was about to get locked up. She got back into the car and the officers began slowly following him. § 87(2)(b) walked to catch up with § 87(2)(b).

Officer Adams asked § 87(2)(b) for his identification, in front of Kennedy's Fried Chicken. As he was about to give it to her, Officer Dolan, identified by § 87(2)(b) from the officer's nameplate and described as a white female, 5'6" tall, in her late 20s with dark hair and a medium build, came out of the car, threw § 87(2)(b) bag on the ground and pushed him against the wall of the restaurant. Officer Dolan attempted to handcuff § 87(2)(b). § 87(2)(b) willingly gave Officer Dolan his hands. Officer Adams told § 87(2)(b) to back away because things were "about to get ugly." Officer Adams stood next to § 87(2)(b) and called for backup.

Officer Joseph, identified through the investigation and described only as a male, and Sgt. Moreno, identified through the investigation and described as a white male, 5'9" tall, in his early 40s, with a muscular build, arrived in a marked car while § 87(2)(b) was in the process of being handcuffed. Sgt. Moreno came out of the car and put a taser to § 87(2)(b) chest. Sgt. Moreno did not make any commands. Officer Joseph stayed in the car. Officer Dolan was putting the handcuffs on § 87(2)(b) and Officer Adams was trying to help her. When § 87(2)(b) was handcuffed, the officers placed him in the car. Other than pushing him against the wall, Officer Dolan did not use any other force against § 87(2)(b).

Witness: § 87(2)(b)

- On May 6, 2013, § 87(2)(b) provided a phone statement to the CCRB (encl. D11). § 87(2)(b) is § 87(2)(b) mother.

CCRB Statement

At an unknown time, § 87(2)(b) went to the stationhouse to pick up § 87(2)(b) property. She stated that she did not recall what property she picked up at the stationhouse. The only item she recalled taking was § 87(2)(b) cell phone. She was told by the officers that § 87(2)(b) had a knife but she told them to give her only the cell phone. They did not try to give her the knife. As far as she knows, the knife was the only thing missing.

NYPD Statements:

Subject Officer: OFFICER BORYONAH ADAMS

- Officer Boryonah Adams is a black female who stands 5'6" tall and weighs 130 pounds. She has brown hair and brown eyes. At the time of the interview, she was § 87(2)(b) old.
- On October 4, 2012, Officer Adams worked in uniform from 9:30 a.m. until 6:05 p.m. with Officer Aida Dolan. She was assigned to schools within the 43rd Precinct in a marked vehicle.

Memo Book (encl. E1-2)

Officer Adams had no memo book entries for this incident.

CCRB Interview

On February 11, 2013, Officer Adams was interviewed at the CCRB (encl. E3-5).

On October 4, 2012, at approximately 11:28 a.m., Officer Dolan and Officer Adams were in their car, locating truants, when they saw two individuals, identified through the investigation as § 87(2)(b) and § 87(2)(b).

As a youth officer, one of Officer Adams' responsibilities is to write truant reports for any child who is not in school between the hours of 9 a.m. and 1 p.m. If a child is 17 years old before July 1st then they are not considered a truant. If the person looks under age, then they are stopped, questioned, and their identification is requested. She stops individuals based on their perceived age.

Because § 87(2)(b) and § 87(2)(b) both looked like they were under the age of 18, the officers asked them for their age and identification. Officer Adams could not recall whose decision it was to stop them or which one of them asked § 87(2)(b) and § 87(2)(b) for their information. § 87(2)(b) asked the officers why they wanted his identification. Officer Adams stated that if they were under 18, they were considered a truant and she had to fill out a truant report. § 87(2)(b) cooperated and gave the officers her identification. They verified that she was 18 years old and left her alone. § 87(2)(b) told the officers that he did not have to give them anything and walked away. Officer Adams could not recall if § 87(2)(b) verbalized his age but she stated that it still would not have been enough because she needed to verify it through his identification.

Officer Dolan and Officer Adams followed § 87(2)(b) in their vehicle. § 87(2)(b) walked a few feet across the street and then began to circle Kennedy's Fried Chicken. He did this for approximately 5-10 minutes before the officers exited their vehicle and approached him. One of them told § 87(2)(b) that he needed to come with them because they needed to verify who he was and how old he was. Officer Adams could not recall which one of them did this. § 87(2)(b) was asked to place his hands behind his back and he refused.

One of them, she could not recall if it was her or Officer Dolan, placed their hands on him to handcuff him. § 87(2)(b) had a book bag on his back and a phone in his hand. He refused to take the bag off or to get off of the phone. The book bag was taken off of him and the phone was taken away from him to place him in handcuffs. Officer Adams could not recall if she or Officer Dolan did these actions. She could not recall if § 87(2)(b) book bag was placed on the sidewalk or in the street.

§ 87(2)(b) started flailing his arms. When asked what else he was doing with his body, she stated that he was doing "whatever resisting consists of, moving his body, whatever it took for him to prevent us from handcuffing him." She could not state exactly what he was doing with his body. Officer Adams assumed that Officer Dolan was the one who attempted to place handcuffs on § 87(2)(b) since she was the one who injured her hand but she could not be certain. Officer Dolan injured her hand or finger while trying to apprehend § 87(2)(b). § 87(2)(b) was placed against the chicken store and both of them attempted to apprehend him.

Officer Adams went over the radio and stated that she had one male stopped. Two officers, identified through the investigation as Sgt. Mario Moreno and Officer Richard Joseph, responded. Officer Adams could not recall if she or Officer Dolan called for a sergeant or if the sergeant responded on his own after hearing that she had one male stopped. Sgt. Moreno and Officer Joseph assisted Officer Dolan and Officer Adams in apprehending § 87(2)(b). It took all four officers to place § 87(2)(b) in handcuffs. Officer Adams could not recall exactly how Sgt. Moreno and Officer Joseph assisted. It took approximately five minutes to handcuff § 87(2)(b) and it was a struggle the entire time.

Officer Adams stated that they did whatever it took to apprehend § 87(2)(b). Officer Adams stated that she used necessary force, not excessive force, but could not recall what kind of force was used. Officer Adams never saw a taser in anyone's hands at any time during this incident.

Officer Adams could not recall if Officer Dolan said, "I'm tired of this shit. You guys think you can do whatever you want," or if she used any profanity during this incident.

§ 87(2)(b) was arrested. Officer Dolan and Officer Adams escorted § 87(2)(b) to the stationhouse but did not stay with him there. Officer Adams went to the hospital with Officer Dolan.

Subject Officer: OFFICER AIDA DOLAN

- *Officer Dolan is a white female who stands 5'6" tall and weighs 140 pounds. She has brown hair and hazel eyes. At the time of her interview, she was § 87(2)(b) old.*
- *On October 4, 2012, Officer Dolan worked in uniform from 9:30 a.m. to 6:05 p.m. with Officer Boryonah Adams. She was assigned to the school unit and a marked RMP.*

Memo Book (encl. E6-7)

At 11:10 a.m., Officer Dolan had one male stopped on the corner of Rosedale Avenue and Story Avenue. At 11:18 a.m. there was one under arrest from above location. At 12:40 p.m., Officer Dolan was at § 87(2)(b) for an injury to her left hand and wrist.

CCRB Interview

On February 26, 2013, Officer Dolan was interviewed at the CCRB (encl. E8-10). § 87(2)(g)

Officer Dolan did not recall § 87(2)(b) being with anyone during this incident.

Officer Dolan did not remember exactly what § 87(2)(b) said when asked for his age and identification but she recalled that he looked angry and refused to give them the information they asked for.

Every time § 87(2)(b) saw the officers, he would change direction and go around the chicken store the other way. According to Officer Dolan, those actions were not normal behavior and it raised their suspicion. Officer Dolan and Officer Adams suspected that § 87(2)(b) may have had some kind of contraband on him due to his actions.

Officer Dolan and Officer Adams got out of their car and approached § 87(2)(b) in attempt to obtain further information and find out why he was behaving in an abnormal way. § 87(2)(b) became angry. He became verbally aggressive and confrontational, refusing all commands. Officer Dolan could not recall what exactly he was saying but stated that he was yelling and cursing. At this point, § 87(2)(b) was deemed to be under arrest.

Officer Dolan went to place § 87(2)(b) in handcuffs. § 87(2)(b) was attempting to turn around and he was pushing back. Officer Dolan had her hands on his wrists, attempting to place him in handcuffs. Officer Adams was assisting but Officer Dolan could not recall how. § 87(2)(b) was overpowering them.

Sgt. Moreno and Officer Joseph were trying to hold him against the wall and keep him still. Officer Dolan could not recall where on his person they were touching him. Officer Dolan did not know how long it took to place § 87(2)(b) in handcuffs.

Officer Dolan sustained a cut to her finger and twisted her wrist in the process. Officer Dolan did not know exactly how she cut her finger but stated that she sustained the injury during the struggle with § 87(2)(b). Officer Dolan did not process his arrest and did not voucher any of his belongings.

Officer Dolan did not say, "I'm tired of this shit." Officer Dolan did not throw § 87(2)(b) bag in the street or say, "I don't give a shit about your bag." Officer Dolan did not say, "I'm tired of all these fucking kids around here. You kids think you can run the streets and do whatever the fuck you want." Officer Dolan did not use any profanities during this incident.

Officer Dolan stated that she did not see anyone with a taser in their hand or place a taser to § 87(2)(b) chest. Officer Dolan did not use any additional force, besides grabbing his wrists to place him in handcuffs, and did not see any other officer do so.

A knife was recovered after § 87(2)(b) was arrested. Officer Dolan did not recall if it was found on the scene or at the stationhouse. Officer Dolan did not recall if she recovered it or if another officer did. Officer Dolan could only recall that the knife was found in § 87(2)(b) back pack.

Subject Officer: OFFICER RICHARD JOSEPH

- *Officer Richard Joseph is a black male who stands 6'3" tall and weighs 187 pounds. He has black hair and brown eyes. At the time of his interview, he was § 87(2)(b) old.*
- *On October 4, 2012, Officer Joseph worked in uniform from 7:05 a.m. until 3:40 p.m. with Sgt. Moreno. He was assigned to the 43rd Precinct as the sergeant's operator in vehicle #4007.*

Memo Book (encl. E11-16)

Officer Joseph did not have any memo book entries regarding this incident.

CCRB Interview

On March 7, 2013, Officer Joseph was interviewed at the CCRB (encl. E17-18).

On October 4, 2012, at approximately 11:00 a.m., Officer Joseph and Sgt. Moreno were on Story Avenue approaching Rosedale Avenue in the Bronx when a call for assistance came over the radio. Officer Joseph and Sgt. Moreno responded. There were two female officers, identified through the investigation as Officer Dolan and Officer Adams, in front of Kennedy's Fried Chicken.

Officer Dolan and Officer Adams were attempting to place an individual, identified through the investigation as § 87(2)(b) in handcuffs. § 87(2)(b) was resisting and trying to get away from the officers. Officer Joseph ran out of the car first and Sgt. Moreno exited sometime after him. Officer Joseph came from behind and pushed § 87(2)(b) against the wall. Officer Joseph was trying to pull § 87(2)(b) hands behind his back but § 87(2)(b) continued to flail his arms and pull them back in front of his torso. § 87(2)(b) was very strong and tall. Officer Dolan and Officer Adams were also trying to grab § 87(2)(b) arms and place them behind his back. Officer Joseph placed one of his forearms on § 87(2)(b) back and grabbed one of § 87(2)(b) arms with his other hand. Officer Joseph placed his leg behind § 87(2)(b) leg, holding his body against the wall.

Officer Joseph was not certain what Sgt. Moreno was doing at the time but believes that he was calling for additional backup. Officer Joseph could not recall if Sgt. Moreno assisted in handcuffing § 87(2)(b) Officer Joseph did not recall if Sgt. Moreno had a taser in his hand. Sgt. Moreno was the only sergeant on scene; therefore, he was the only one on scene who had access to a taser. Officer Joseph did not know if Sgt. Moreno ever threatened to use his taser.

§ 87(2)(b) was placed in handcuffs. Officer Joseph could not recall which officer handcuffed him. Officer Joseph helped Officer Dolan and Officer Adams place him into the RMP. Officer Dolan and Officer Adams escorted § 87(2)(b) to the stationhouse. Officer Joseph and Sgt. Moreno followed behind, so that Sgt. Moreno could verify the arrest. Officer Joseph did not process § 87(2)(b) arrest. Officer Joseph and Sgt. Moreno resumed patrol. No officer used profanity during this incident.

Subject Officer: SGT. MARIO MORENO

- *Sgt. Mario Moreno is a Hispanic male who stands 5'11" tall and weighs 200 pounds. He has black hair and brown eyes. At the time of his interview, he was § 87(2)(b) old.*

- *On October 4, 2012, Sgt. Moreno worked from 6:55 a.m. until 3:52 p.m. with Officer Joseph as a patrol supervisor in the 43rd Precinct. He worked in uniform and was assigned to marked vehicle #4007.*

Memo Book (encl. E19-21)

Sgt. Moreno had no memo book entries regarding this incident.

CCRB Interview

On March 11, 2013, Sgt. Moreno was interviewed at the CCRB (encl. E22-23). § 87(2)(b)

(g)

Officer Dolan and Officer Adams called for additional units and a sergeant to respond to the location. Sgt. Moreno and Officer Joseph were the second unit to arrive at the location, behind Officer Dolan and Officer Adams.

At the scene, Officer Dolan and Officer Adams were repeatedly making commands for § 87(2)(b) to put his hands behind his back. § 87(2)(b) continued to keep his hands in front of him despite the officer's commands. Other than grabbing his arms, Officer Dolan and Officer Adams did not touch § 87(2)(b) anywhere else in order to gain compliance.

As soon as Sgt. Moreno and Officer Joseph began to approach § 87(2)(b) and more units responded to the location, § 87(2)(b) pulled his hands behind his back. Sgt. Moreno never interacted with § 87(2)(b). Sgt. Moreno was approximately five car lengths away when he made these observations. He did not get any closer to the scene until § 87(2)(b) was already in handcuffs. Officer Joseph was next to Sgt. Moreno during the incident. No other officers, besides Officer Dolan and Officer Adams, had any physical interactions with § 87(2)(b).

Sgt. Moreno left the scene to respond to another job. He had only been on the scene for approximately two minutes. Sgt. Moreno had a taser on him that day but at no point did he remove his taser or threaten to use it. Sgt. Moreno never had his taser anywhere near § 87(2)(b) body. Sgt. Moreno could not recall if there were any other sergeants on the scene and did not see any other officer with a taser. Sgt. Moreno did not hear any officer use profanity during this incident.

Subject Officer: OFFICER THOMAS PEREZ

- *Officer Thomas Perez is a Hispanic male who stands 5'10" tall and weighs 208 pounds. He has black hair and brown eyes. At the time of his interview, he was § 87(2)(b) old.*
- *On October 4, 2012, Officer Perez worked in uniform from 9:30 a.m. until 6:05 p.m. Officer Perez could not recall who he was working with. He was assigned to school conditions within the 43rd Precinct in a marked vehicle.*

Memo Book

At 11:28 a.m., there was one under arrest at Rosedale Avenue and Soundview Avenue. A male was stopped for truancy to verify his age. He became evasive and combative with Officer Dolan.

Arrest Report (F44-45) and Complaint Report (encl. F19-20)

§ 87(2)(b) aka Robert § 87(2)(b) was arrested on October 4, 2012 at 11:28 a.m. on Soundview Avenue and Rosedale Avenue for § 87(2)(b). As per PO Dolan, § 87(2)(b) was stopped for truancy. When asked to produce identification to validate his age, § 87(2)(b) became combative and evasive, refusing to obey a lawful police order. Both reports were entered by Officer Perez.

CCRB Statement

On March 15, 2013, Officer Perez was interviewed at the CCRB (encl. E24-25).

On October 4, 2012, at approximately 11:28 a.m., Officer Perez received a radio run to respond to Rosedale Avenue and Soundview Avenue in the Bronx. Officer Perez could not recall what information was given over the radio.

When Officer Perez arrived on scene, a male, identified through the investigation as § 87(2)(b) was already in handcuffs. Approximately four officers were already on the scene. The only officer he could recall by name was Officer Dolan.

After the arrest, Officer Dolan began to complain of pain to her shoulder and went to the hospital. Officer Perez took the arrest and transported § 87(2)(b) to the 43rd Precinct stationhouse to process the arrest. At an unspecified time, § 87(2)(b) parents came for his book bag and any other belongings § 87(2)(b) may have had. Officer Perez did not recall vouchering any of § 87(2)(b) belongings.

Officer Perez also recalled that § 87(2)(b) had a knife that was recovered after his arrest. He could not recall where the knife was found or who recovered it. Officer Perez could not recall what happened to the knife, only that his parents stated that they did not want anything to do with it because he should not have had it in the first place. Officer Perez did not recall § 87(2)(b) having a sweater.

NYPD Documents

SPRINT/ SPRINT CD (encl. F17)

Sprint #X06418 notes that there was a suspicious person/prowler outside. Sector 43SP5, a schools' unit, and sector 43ST1, a patrol sergeant, were on the scene. There was one male stopped at the corner of Rosedale and Story Avenue. No further assistance was needed. At 11:28 a.m., there was one under arrest at Rosedale Avenue and Soundview Avenue.

UF-250 Stop, Question, and Frisk Report (encl. F47, K10)

There were no Stop, Question, and Frisk reports found for § 87(2)(b) or § 87(2)(b) on the incident date and no reports were completed on the incident date by Officer Dolan or Officer Adams.

Property Voucher (encl. K3)

No property voucher was located for § 87(2)(b) on October 4, 2012.

Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Status of Civil Proceedings

- § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the City of New York as of May 1, 2013 with regard to the incident (encl. G1).

Civilians' Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Civilians' CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) § 87(2)(b) has not been a party to any other complaints with the CCRB (encl. B7-8).

Subject Officers' CCRB History

- Officer Boryonah Adams has been a member of the service for nine years and there are no substantiated CCRB allegations against her (encl. B3).
- Officer Aida Dolan has been a member of the service for five years and there are five substantiated CCRB allegations against her (encl. B1-2).
 - In CCRB case #200812925, allegations that Officer Dolan issued a retaliatory summons and spoke rudely to an individual were substantiated and charges were recommended for both allegations. She received a command B discipline for the retaliatory summons.
 - In CCRB case #201110612, allegations that Officer Dolan improperly stopped and searched a vehicle and issued a summons to an individual were substantiated and charges were recommended for all allegations. There is no record of any NYPD disposition.
- Officer Richard Joseph has been a member of the service for three years and there are no substantiated CCRB allegations against him (encl. B6).
- Sgt. Mario Moreno has been a member of the service for eight years and there are no substantiated CCRB allegations against him (encl. B4).
- Officer Thomas Perez has been a member of the service for five years and there are no substantiated CCRB allegations against him (encl. B5).

Conclusion

Identification of Subject Officers

Officer Adams and Officer Dolan admitted to stopping § 87(2)(b) and § 87(2)(b) § 87(2)(g) § 87(2)(b) identified Officer Dolan by name from the nameplate on her uniform; § 87(2)(g) § 87(2)(g) § 87(2)(b) described two male officers who arrived at the scene. One who placed a taser to him and another who placed his foot on the inside of § 87(2)(b) foot, while holding his shoulders. Officer Joseph admitted to the second officers' actions, which makes his partner, Sgt. Moreno, the first officer. § 87(2)(g)

Investigative Findings and Recommendations

Allegations Not Pleaded

§ 87(2)(g)

Allegation A-Abuse: PO Boryonah Adams stopped § 87(2)(b) **and** § 87(2)(b)

Allegation B-Abuse: PO Aida Dolan stopped § 87(2)(b) **and** § 87(2)(b)

§ 87(2)(b) stated that he was walking with § 87(2)(b) when Officer Dolan, who was in a marked car, said, “Let’s stop these guys.” Officer Adams asked § 87(2)(b) for his name and age and then told § 87(2)(b) that she wanted to see their identification. § 87(2)(b) stated that Officer Adams asked § 87(2)(b) for his name and age and then asked them both for their identification.

Officer Adams and Officer Dolan stated that § 87(2)(b) and § 87(2)(b) were asked their age and for their identification because they both looked to be under the age of 18. Neither Officer Adams or Officer Dolan could not recall which one of them asked § 87(2)(b) and § 87(2)(b) for their identification.

“Based on a person’s obvious youthfulness, the hour of the day and the specialized status of an officer and the nature of his patrol...an officer is justified in initially stopping a person as a possible truant under the Education Law and under the officer's common-law right of inquiry.” People v. Fernandez, 241 N.Y.L.J. 58 (encl. A1-3).

§ 87(2)(b) was only § 87(2)(b) old at the time of the incident and § 87(2)(b) was § 87(2)(b) old. § 87(2)(g)

§ 87(2)(g)

Allegation C-Force: PO Aida Dolan used physical force against § 87(2)(b)

§ 87(2)(b) alleged that when he went to call his mother, Officer Dolan approached him, grabbed the sleeve of his left arm and the back of the collar of his shirt. She pushed him towards the wall while hitting his hand, trying to knock the phone out of his right hand. Officer Dolan pushed § 87(2)(b) against the wall. He stated that she was trying to handcuff him and he did not resist. Officer Adams handcuffed one of his hands. § 87(2)(b) had his hands side by side. Sgt. Moreno and Officer Joseph helped to keep him against the wall although he was not moving. § 87(2)(b) stated that he never resisted arrest and willingly pulled his hands behind his back. § 87(2)(b) did not sustain any injuries from the force. § 87(2)(b) stated that the officers were “trying” to arrest him but he did not resist. She also stated that other than pushing § 87(2)(b) against the wall, Officer Dolan did not use any additional force.

Officer Dolan, Officer Adams, Officer Joseph, and Sgt. Moreno stated that § 87(2)(b) resisted arrest by holding his hands in front of him and refusing to be handcuffed. Officer Adams could not recall exactly what force they used to apprehend § 87(2)(b). She stated that they did whatever it took but only used necessary force, not excessive force. Officer Dolan stated that she had her hands on § 87(2)(b) wrists, attempting to handcuff him. She could not recall what Officer Adams was doing to assist. Sgt. Moreno and Officer Joseph were trying to hold him against the wall and keep him still. Officer Joseph stated that he pushed § 87(2)(b) against the wall and he, Officer Dolan, and Officer Adams were grabbing his arms and hands to handcuff him.

Patrol Guide Procedure 203-11 states that only the minimum amount of force necessary to overcome resistance will be used to effect an arrest (encl. A4-5).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation D-Discourtesy: PO Aida Dolan spoke rudely to § 87(2)(b)

§ 87(2)(b) alleged that while she was trying to handcuff him, Officer Dolan said, “I’m tired of this shit.” Officer Dolan continued to use profanity while handcuffing him. When § 87(2)(b) asked her if she was going to get his bag from the street, she said, “I don’t give a shit about your bag.” On their way to the stationhouse, in the patrol car, Officer Dolan said that she was “tired of all these fucking kids over here thinking they can do whatever they want.” She said, “You kids think you can run the streets and do whatever the fuck you want.” § 87(2)(b) did not allege that an officer used profanity on the scene and would not have been a witness to any profanity used in the patrol car.

Officer Dolan stated that she did not make any of these statements or use any profanity during the incident. None of the officers on the scene heard Officer Dolan make any of these statements.

§ 87(2)(g)

Allegation E-Abuse: Sgt. Mario Moreno threatened § 87(2)(b) with the use of force.

§ 87(2)(b) alleged that Sgt. Moreno put a taser to his chest while the officers were trying to place him in handcuffs. § 87(2)(b) stated that he never resisted arrest. § 87(2)(b) corroborated § 87(2)(b) claim.

Sgt. Moreno stated that he had a taser on him that day but he did not remove it or threaten to use it. He never had his taser anywhere near § 87(2)(b) body. In fact, he stated that he did not approach § 87(2)(b) until after he was in handcuffs. None of the officers interviewed saw Sgt. Moreno with a taser in his hand; however, Officer Dolan and Officer Adams did state that he assisted in apprehending § 87(2)(b). Officer Joseph could not recall if Sgt. Moreno assisted in handcuffing § 87(2)(b).

§ 87(2)(g)

Allegation F-Abuse: PO Thomas Perez seized § 87(2)(b) property.

§ 87(2)(b) alleged that while Officer Perez was processing his arrest, § 87(2)(b) told him that he had a knife in his book bag. § 87(2)(b) also had a sweater in there. When his mother came to pick up his belongings, the knife and the sweater were not in there and they were not vouchered. § 87(2)(b) § 87(2)(b) mother, stated that she did not recall what property she picked up. She only recalled taking his cell phone. She was told by the officers that

§ 87(2)(b) had a knife but she told them to only give her the cell phone. She did not recall anything other than the knife missing.

Officer Perez stated that he did not know what happened to the knife that was recovered. He only remembered that when § 87(2)(b) parents came to pick up his belongings, they stated that they did not want anything to do with the knife because he should not have had it in the first place. Officer Perez did not recall § 87(2)(b) having a sweater.

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

§ 87(4-b) § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date